

## **EXHIBIT 1**

### Declarations of current Assistant Managers

1. Declaration of Valencia Bell, Assistant Manager of Café No. 4265.
2. Declaration of Geoffrey T. Brown, Assistant Manager of Café No. 4795.
3. Declaration of Janeane Durkee, Assistant Manager of Café No. 3383.
4. Declaration of Baylee Fenton, Assistant Manager of Café No. 4754.
5. Declaration of Brandon Houpt, Assistant Manager of Café No. 4757.
6. Declaration of Julie Magons, Assistant Manager of Café No. 4635.
7. Declaration of David Maier, Assistant Manager of Café No. 4764.
8. Declaration of Sara Ann Morabith, Assistant Manager of Café No. 4647.
9. Declaration of Julie Steed, Assistant Manager of Café No. 4635.
10. Declaration of Marissa Tufts, Assistant Manager of Café No. 4795.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Valencia Bell, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On October 31, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4625 in Warrensville Heights, Ohio. I have held this position from June of 2018 to the present. I've been an employee for the company since July 2013. I became a shift supervisor August of 2018.

6. The most important aspect of my job as an Assistant Manager is to make sure everything is prepared and complete to run a good shift. Tasks are complete, food preparation complete etc.

7. In my capacity as an assistant manager, my job duties generally include the following ~~(initial)~~ <sup>check</sup> all that apply):

- ☒ Scheduling employees within the Café
- ☐ Hiring and selecting employees that work within the Café
- ☒ Supervision of employees within the Café
- ☒ Management of food costs
- ☒ Handling customer issues
- ☒ Dealing with administrative documentation and other paperwork required within the Café
- ☒ Training employees
- ☒ Evaluating employees' work
- ☒ Completing performance evaluations for employees
- ☒ Issuing disciplinary action for employees within the Café
- ☒ Assigning daily work activities to employees within the Café

8. I supervise (about) 50 employees. (total)

9. I supervise 8/14 employees on a typical shift. (night/Day)

10. ☒ I do / ☐ do not interview applicants for store positions. My experience with this Café's interview process is: Oreintations, after the applicant is interviewed and hired. Assistant managers can complete the individuals orientation, this is paperwork of company policies and personal information for file.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / ☒ No

12. ☒ I do / ☐ do not complete new hire forms.

13. ☒ I do / ☐ do not have the authority to veto a candidate from hiring.

14. ☒ I do / ☐ do not conduct employee orientations. Orientation includes (if applicable):

15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / ☒ No

16. I trained approximately 12 employees in the last year. Training includes:

Showing the employee how to prepare food (portioning, food safety)  
Showing how to use the cash register and handling money and drawers. Showing how to keep the overall cleanliness in the  
Cafe as a whole. Demonstrating good customer service.

17. I prepare work schedules. ☒ Yes / ☐ No

18. I give direction and/or assign tasks to café employees. ☒ Yes / No
19. I do / do ~~not~~ plan and control food costs.
20. I work 45 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. ☒ Yes / No
22. I close the café 3 times per week.
23. I open the café 1 times per week.
24. ☒ I do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching \_\_\_\_\_ employees in the last two weeks. Yes
26. I have recommended an employee be promoted. ☒ Yes / No  
I've recommended several employees for shift supervisor promotions who've demonstrated the qualities and characteristics needed for the position. About three of my recommendations were given the position.
27. I have recommended an employee to be hired and/or fired. Yes ☒ No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
28. ☒ I do / do not have responsibility for café security.
29. ☒ I do / do not have responsibility for cash security.
30. ☒ I do / do not have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers (circle those that apply):

Christopher Alan Everts

Craig Allen Chintella

Sarah Heaton

Carl Barry

32. In reference to the names circled in Paragraph 31, I would describe

Sarah H. responsibilities as follows: Running the shift,  
Scheduling, training, food cost counts & planning.

32. In reference to the names circled in Paragraph 31, I would describe

Craig C. responsibilities as follows: Running shifts,  
training, food cost (counting/planning) Training.

32. In reference to the names circled in Paragraph 31, I would describe  
responsibilities as follows: \_\_\_\_\_

32. In reference to the names circled in Paragraph 31, I would describe  
responsibilities as follows: \_\_\_\_\_

33. I would also like to provide the following about my responsibilities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 31 day of October, 2018

Valencia Bell  
Signature

Valencia Bell  
Printed Name

CO\5958186.4

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION OF ASSISTANT MANAGER**

I, Geoffrey T. Brown, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On October 22+23, 2018, I met with Kristina Bahman + Daniel Colicover of the law firm of Ice Miller LLP. Kristina + Daniel advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my



employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4795 in Grandview, Ohio. I have held this position from April 2015 to the present.

6. The most important aspect of my job as an Assistant Manager is Running Daily operations, ensuring our customers are well taken care of, and our associates are secure and content in their jobs.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

         Scheduling employees within the Café

GB Hiring and selecting employees that work within the Café

GB Supervision of employees within the Café

GB Management of food costs

GB Handling customer issues

GB Dealing with administrative documentation and other paperwork required within the Café

GB Training employees

GB Evaluating employees' work

         Completing performance evaluations for employees

GB Issuing disciplinary action for employees within the Café

GB Assigning daily work activities to employees within the Café

8. I supervise 25 employees.

9. I supervise 15 employees on a typical shift.

10. I do / do not interview applicants for store positions. My experience with this Café's interview process is: We as assistant managers share the responsibility of scheduling interviews, conducting interviews, and conducting orientations. Because of the challenging job market we are expected to contact applicants as soon as we receive their application. Orientations and interviews as well are handled by whoever is available.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / No

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring.

14. I do / do not conduct employee orientations. Orientation includes (if applicable):

Scheduling the associates first week, having them electronically sign payroll, policy, and tax forms, providing them with the employee handbook, and having them sign dress code & tattoo policy forms.

15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / No

16. I trained approximately 2 employees in the last year. Training includes:

Supervising trainees and shift supervisors while they are training other associates or taking on new management experience.

17. I prepare work schedules. Yes / No

18. I give direction and/or assign tasks to café employees. Yes / No
19. I do / do not plan and control food costs.
20. I work ~~45~~ <sup>44 9-15</sup> hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes / No
22. I close the café 0 times per week.
23. I open the café 5 times per week.
24. I do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 4 employees in the last two weeks.

26. I have recommended an employee be promoted. Yes / No

In working with one of our associates on a daily basis in the drive-thru I recognized strengths that I believed would suit her for management. We worked toward promoting her and she is now our newest supervisor.

27. I have recommended an employee to be hired and/or fired. Yes / No

Recently I interviewed a few applicants that I was really impressed with. I wanted to pay them more than our allowed cap, so I wrote requests to our regional manager, which ended up getting approved.

28. I do / do not have responsibility for café security.
29. I do / do not have responsibility for cash security.
30. I do / do not have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers (circle those that apply):

Morris Alejandro Serenatas

Allyson Rose Fenimore

Amanda Kallie Fooce

Elizabeth R. Ensley

32. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

Morris' responsibilities as follows: Morris wrote the schedule, opened & closed the store each a few days a week, performed wiring tasks & orientations, and was responsible for writing some par-ups.

33. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

Amanda's responsibilities as follows: Amanda wrote the schedule, closed five nights a week, made the final deposit at the end of the night when she closed, and was responsible for disciplinary action or shift.

34. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

Elizabeth's responsibilities as follows: Elizabeth was hired from outside of the company and had either just finished her management training, or was nearing the end, when she quit. She was closing most shifts she was working.

35. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

36. I would also like to provide the following about my responsibilities.

I am solely responsible for writing par-ups, or dough & bake orders, which are a core part of our daily operations. I base my orders off of weather & sales forecasts, local events, and other factors that may affect what we sell on any given day. I also take care of a lot of maintenance around the store, specifically changing lights & ordering light bulbs, and calling the right vendors for repairs. In addition, I act as our general managers confidant, as she comes to me with new systems she wants to implement, or problems that we need to solve with people or processes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 23 day of October, 2018

  
Signature

Geoff Brown  
Printed Name

CO\5962031.1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Janeane Durkee, declare under penalty of perjury that the

following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On Oct 31, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 3383 in Mentor, Ohio. I have held this position from April 2015 to the present.

6. The most important aspect of my job as an Assistant Manager is enforcing rules & standards.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

- ☐ Scheduling employees within the Café
- ☒ Hiring and selecting employees that work within the Café
- ☒ Supervision of employees within the Café
- ☒ Management of food costs
- ☒ Handling customer issues
- ☒ Dealing with administrative documentation and other paperwork required within the Café
- ☒ Training employees
- ☒ Evaluating employees' work
- ☒ Completing performance evaluations for employees
- ☒ Issuing disciplinary action for employees within the Café
- ☒ Assigning daily work activities to employees within the Café

8. I supervise \_\_\_\_\_ employees.

9. I supervise 10 employees on a typical shift.

10. I do do not interview applicants for store positions. My experience with this Café's interview process is: There is a worksheet that

offers suggested questions & a scoring  
guide as to whether to hire or not (if they  
made a good impression)

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes/No

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring.

14. I do do not conduct employee orientations. Orientation includes (if applicable):

I have not completed an orientation  
yet, but will be expected to.

15. When ~~there~~ is another manager on duty, are certain employees assigned to report directly to you? Yes / No

16. I trained approximately 15 employees in the last year. Training includes:

Learning on the computer first that  
gives new hires a detailed overview of  
procedures & policies - then they shadow  
a trainer, then a manager observes  
new hire w/ pointers

17. I prepare work schedules. Yes / No

Not yet



18. I give direction and/or assign tasks to café employees. Yes / No
19. I do / do not plan and control food costs.
20. I work 45 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes / No
22. I close the café 2-4 times per week.
23. I open the café 2-3 times per week.
24. I do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 4 employees in the last two weeks.
26. I have recommended an employee be promoted. Yes / No

27. I have recommended an employee to be hired and/or fired. Yes / No

28. I do / do not have responsibility for café security.
29. I do / do not have responsibility for cash security.
30. I do / do not have responsibility for any emergencies when I am not on duty.

31. I have worked with the following assistant managers (circle those that apply):

Alex Ali Khoramshahi

Matthew Kittle

Mark Sertich

32. In reference to the names circled in Paragraph 31, I would describe  
Alex responsibilities as follows: Alex had to work 45 hours, train new employees, do food costs, enforce procedures. He did all of these things very poorly.

32. In reference to the names circled in Paragraph 31, I would describe  
Matthew responsibilities as follows: Matthew worked here for a very short period of time, after being transferred from a corporate store.

32. In reference to the names circled in Paragraph 31, I would describe  
Mark Sertich responsibilities as follows: Mark took on a lot of responsibilities while he was here. He worked 45 hours, did schedules, & enforced policies.

33. I would also like to provide the following about my responsibilities.  
I understand I am not asked to work more than 45 hours & if I do so, it is on my own. Before starting as an assistant manager, I was trained in each position in the store. In addition, training was completed thru e-learning & with a certified trainer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 31 day of October, 2018

Signature

Printed Name

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Baylee Fenton, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On October 29, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4754 in Blacklick, Ohio. I have held this position from November 2017 to the present. to me

6. The most important aspect of my job as an Assistant Manager is training my associates properly. Giving them feedback and making sure they are understanding the correct way to do their jobs.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

       Scheduling employees within the Café

BF Hiring and selecting employees that work within the Café

BF Supervision of employees within the Café

       Management of food costs

BF Handling customer issues

BF Dealing with administrative documentation and other paperwork required within the Café

BF Training employees

BF Evaluating employees' work

BF Completing performance evaluations for employees

BF Issuing disciplinary action for employees within the Café

BF Assigning daily work activities to employees within the Café

8. I supervise 40 employees.

9. I supervise 10 employees on a typical shift.

I work a variety of shifts. Typically there are 5-15 employees on one shift.

10. I do / do not interview applicants for store positions. My experience with this Café's interview process is: very prompt and to the point.

We ask the same questions for each person and always get a variety of different answers. We are picky at this location for who we hire.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / No

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring.

14. I do / do not conduct employee orientations. Orientation includes (if applicable):

filling out the hiring paperwork, signing the handbooks and dress code, discussing training, and providing a tour of the store.

15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / No There are zone leaders, usually a specific employee assigned to keep the zone in order.

16. I trained approximately 15 employees in the last year. Training includes:

Training has a lot of aspects to it, and it's different for every position. There is not only hands on training, but also computer training. It takes up to two weeks to be fully trained on the café and in the bakery.

Not enough space

17. I prepare work schedules. Yes / No

18. I give direction and/or assign tasks to café employees. ☒ Yes / No
19. I ☒ do / do not plan and control food costs.
20. I work 20 hours per week as manager on duty. 20-30 hours
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes / No
22. I close the café 2 times per week. Average
23. I open the café 2 times per week. Average
24. ☒ do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 4 employees in the last two weeks.
26. I have recommended an employee be promoted. ☒ Yes / No  
Scott Middaugh (who is at Bexley now, was an associate that I really pushed to become a manager because he was an excellent employee.
27. I have recommended an employee to be hired and/or fired. ☒ Yes / No  
I am in charge of the hiring, but TJ and I make the decision to hire together. If I really want to hire someone then TJ usually lets me because I am really good at hiring good employees.
28. ☒ do / do not have responsibility for café security.
29. ☒ do / do not have responsibility for cash security.
30. ☒ do / do not have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers:

Arlene Imbert

Kyle Asher Lewis

Robert Cartwright

Emily Ann Hoerig

Lydia Ann Meadows

Tyler Wilkey

As a General manager

32. In reference to the names circled in Paragraph 31, I would describe Robert Cartwright's responsibilities as follows: closing the store, running shifts, cleaning the dining room. Handling money.

33. In reference to the names circled in Paragraph 31, I would describe Emily Hoerig's responsibilities as follows: I only worked with her while she was training, she was learning how to run shift and close the store while she was here.

34. In reference to the names circled in Paragraph 31, I would describe Lydia Meadows' responsibilities as follows: mostly worked with her while she was training, she took on the responsibility of hiring after she was finished.

35. In reference to the names circled in Paragraph 31, I would describe Tyler Wilkey's responsibilities as follows: I only worked with him while he was a GM. He ran shift, handled food cost, dealt with customers, handled money.

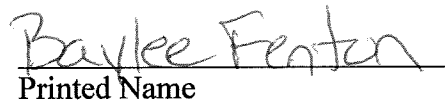
36. I would also like to provide the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 29th day of October, 2018

  
Signature

  
Printed Name



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Brandon Hoyt, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On 10/26, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina Dahmann advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4757 in Bexley, OH. I have held this position from March, 2018 to the present.

6. The most important aspect of my job as an Assistant Manager is Customer Satisfaction.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

- ☒ Scheduling employees within the Café
- ☒ Hiring and selecting employees that work within the Café
- ☒ Supervision of employees within the Café
- ☐ Management of food costs
- ☒ Handling customer issues
- ☒ Dealing with administrative documentation and other paperwork required within the Café
- ☒ Training employees
- ☒ Evaluating employees' work
- ☒ Completing performance evaluations for employees
- ☒ Issuing disciplinary action for employees within the Café
- ☒ Assigning daily work activities to employees within the Café

8. I supervise 18 employees.

9. I supervise 5 employees on a typical shift.

10. I do / do not interview applicants for store positions. My experience with this Café's interview process is: I have done less than 10 interviews ~~this is due to the hiring Manager~~ running late or going home. After the interview, I usually schedule an interview with the applicant with the ~~current~~ Manager in charge of hiring or collect their phone number so that we can contact them.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes No

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring.

14. I do / do not conduct employee orientations. Orientation includes (if applicable):

Filling out paperwork (tax forms, availability)

tour of the store

~~Walk~~ Hand out of Company Policy

15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / No

16. I trained approximately 5 employees in the last year. Training includes:

Computer e-learning

hands on/off approach

17. I prepare work schedules. Yes / No

18. I give direction and/or assign tasks to café employees. Yes / No
19. I do do not plan and control food costs.
20. I work 50 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes / No
22. I close the café 5 times per week.
23. I open the café 0 times per week.
24. I do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 5 employees in the last two weeks.
26. I have recommended an employee be promoted. Yes / No
- 
- 
- 
- 
- 

27. I have recommended an employee to be hired and/or fired. Yes / No
- 
- 
- 
- 
- 

28. I do / do not have responsibility for café security.
29. I do / do not have responsibility for cash security.
30. I do / ~~do not~~ have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers:

Seth Starr

Robert Cartwright

Vanessa Christine Lee

Chrisina Marie Martin

Tyler Wilkey

Ivett Domalewski

Lydia Ann Meadows

Cody Jacob Snider

Morris Alejandro  
Serenatas

Emily Ann Hoerig

Seth Carringer

32. In reference to the names circled in Paragraph 31, I would describe Robert Cartwright's responsibilities as follows: ~~More~~ he has more responsibilities than me. He ~~has~~ <sup>is given</sup> a bit more ~~to~~ to tackle even though I keep saying I would like to expand my learning.

33. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

34. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

35. In reference to the names circled in Paragraph 31, I would describe responsibilities as follows:

36. I would also like to provide the following:

Any manager is going to have over time. I've done it multiple times  
and haven't gotten upset about it. We are here to make our  
guests happy and if ~~it's~~ staying late, coming in early, ~~and~~ going  
over on hours means that, then so be it. and

I declare under penalty of perjury that the foregoing is true and correct.

Executed on <sup>26</sup>~~10~~ day of October, 2018

Brandon Haupt  
Signature

Brandon Haupt  
Printed Name

CO\5965686.1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Julie Magons, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On October 23, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina Dahmann advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4635 in Wadsworth, OH. I have held this position from March 14, 2018 to the present. I have held this position at Café 4813 in Storr, OH from October 17, 2017 until approximately March 14, 2018.

6. The most important aspect of my job as an Assistant Manager is to support the Café operations through systems placed by Panera Bread and Covelli Enterprises. This is accomplished through the areas of customer service, employee training, and administrative support, food cost ordering.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

JM Scheduling employees within the Café (mostly scheduling new employees for training)

       Hiring and selecting employees that work within the Café

JM Supervision of employees within the Café

JM Management of food costs

JM Handling customer issues

JM Dealing with administrative documentation and other paperwork required within the Café

JM Training employees

JM Evaluating employees' work

       Completing performance evaluations for employees

JM Issuing disciplinary action for employees within the Café

JM Assigning daily work activities to employees within the Café

8. I supervise 8-12 employees. on a typical day

9. I supervise 7-10 employees on a typical shift. during evening shifts 8-12 during daytime shifts, when Manager In Charge



10. I do / do not interview applicants for store positions. My experience with this Café's interview process is: Jamie (General Manager) ~~sets~~ schedules and conducts interviews. However, when I first was placed in this café, I was asked to conduct first interviews (only). This was because Jamie was on maternity leave and another Assistant Manager was here in her place.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / No But see paragraph 10

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring. — Or at least I haven't had that issue arise.

14. I do / do not conduct employee orientations. Orientation includes (if applicable):

Completion of W-4 and I-9 forms, review and acknowledgement of Covelli/Panera Bread handbook, as well as forms (cleaning) regarding cash handling, equipment and chemical use, Confidentiality, and others with regard to employment at Panera.

15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / No see #35

16. I trained approximately 30 employees in the last year. Training includes: (new employees)

New employee orientation, e-learning presentation, working with associate trainer to implement correct systems, however, training is ongoing on a daily basis with both new and longer-time employees. This would include reinforcement of procedures and systems, as well as introducing new products, procedures and systems.

17. I prepare work schedules. Yes / No

I have not assumed the "scheduling manager" role as a relatively new Assistant Manager, but I am able to schedule in employees, where I see holes in the schedule, new employees for training, and employees to cover shift openings due to illness or other issues.

18. I give direction and/or assign tasks to café employees. ☒ Yes / No
19. I ☒ do / do not plan and control food costs.
20. I work 35-45 hours per week as manager on duty. *I am occasionally scheduled for shifts acting as a managing zone leader (support for Manager in charge)*
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. ☒ Yes / No
22. I close the café 3-4 times per week.
23. I open the café 1 times per week.
24. I ☒ do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 3 employees in the last two weeks.

26. I have recommended an employee be promoted. ☒ Yes / No

*This was based on when I did give first interviews. After second interviews, some I recommended were hired, others were not.*

27. I have recommended an employee to be hired and/or fired. ☒ Yes / No

*Hired, not fired.*

28. I ☒ do / do not have responsibility for café security.

29. I ☒ do / do not have responsibility for cash security.

30. I do / ☒ do not have responsibility for any emergencies when I am not on duty. *- However I would make myself available if support was needed in an emergency. I can not put off if I was contacted while off-duty.*

31. I have worked with the following assistant managers: *(4635) Julie Steed, (medina) Danielle Otterbacher, (4813) Danielle Fink, Toni Noel (4813).*

32. In reference to the names circled in Paragraph 31, I would describe Julie Steed's responsibilities as follows: Julie's responsibilities are very much in line with my own, with the exception that she schedules employees for their work weeks. As a newer Assistant, I have not yet been introduced to that task.

33. In reference to the names circled in Paragraph 31, I would describe Toni Noel's responsibilities as follows: again, Toni's responsibilities paralleled mine. She, too, scheduled employees, where I did not. I was more directly involved with Food Cost.

34. I would also like to provide the following about my responsibilities.

35) When more than one manager on duty, managers are typically placed in service and production zones. Bakery, dining room employees would report to manager deployed in service zone. Production line employees would report to production zone manager.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 23rd day of October, 2018

Signature

Printed Name

COV5962741.1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, David Maier, declare under penalty of perjury that the

following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On October 26, 2018, I met with Daniel Culicover of the law firm of Ice Miller LLP. Daniel Culicover advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4764 in Columbus, Ohio. I have held this position from Dec 5, 2016 to the present.

6. The most important aspect of my job as an Assistant Manager is Run shift, help out where help is needed, fill in any gaps of coverage.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

- DM Scheduling employees within the Café
- DM Hiring and selecting employees that work within the Café
- DM Supervision of employees within the Café
- DM Management of food costs
- DM Handling customer issues
- DM Dealing with administrative documentation and other paperwork required within the Café
- DM Training employees
- DM Evaluating employees' work
- DM Completing performance evaluations for employees
- DM Issuing disciplinary action for employees within the Café
- DM Assigning daily work activities to employees within the Café

8. I supervise 25 employees.

9. I supervise 8 employees on a typical shift.

10. I ☒ do / do not interview applicants for store positions. My experience with this Café's interview process is: quite simple. I call applicants and set up interviews with my GM or myself. I look for people with upbeat personalities and open availabilities.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. ☒ Yes ☐ No

12. I ☒ do / do not complete new hire forms.

13. I ☒ do / do not have the authority to veto a candidate from hiring.

14. I ☒ do / do not conduct employee orientations. Orientation includes (if applicable):

Paper work, Computer documents, give hat & name tag, tour of store while explain their role within each place of the Café. Go over dress code, set up Baguette University, make training schedule with Planet Bread attendance.

15. When there is another manager on duty, are certain employees assigned to report directly to you? ☒ Yes ☐ No

16. I trained approximately 25 employees in the last year. Training includes:

I was a training specialist. First day they shadow Second day shoulder to shoulder, Third day I shadow them.

17. I prepare work schedules. ☒ Yes ☐ No

18. I give direction and/or assign tasks to café employees. ☒ Yes / No
19. I ☒ do / do not plan and control food costs.
20. I work 45-50 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. ☒ Yes / No
22. I close the café 0 times per week.
23. I open the café 3 times per week.
24. I do ☒ do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 0 employees in the last two weeks.

26. I have recommended an employee be promoted. ☒ Yes / No

I have recommended one employee & we went forward with her but she didn't work out

27. I have recommended an employee to be hired and/or fired. ☒ Yes / No

I have had 1 employee who drew his 4th write up and told my GM ~~that~~ he needed to be fired

28. I ☒ do / do not have responsibility for café security.
29. I ☒ do / do not have responsibility for cash security.
30. I ☒ do / do not have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers (circle those that apply):

1. Ashley Elizabeth Kohli



2. Tyler Wilkey

3. Sandra E. Wall

4. Jessica B. Embree

5. Heather Hazlett

6. Cody Jacob Snider

7. Michael Justin Large

32. In reference to the names circled in Paragraph 31, I would describe Sandra Wall's responsibilities as follows: She was my Assistant while I was a GM. She was in charge of closing some weekdays opening on weekends. She made the manager schedule. Took charge of cleaning duties.

[Repeat for all Opt-in Plaintiffs that have previously worked at Café]

33. I would also like to provide the following about my responsibilities. I was ~~a~~ a GM and stepped down voluntarily to be trained more properly. Now I am focusing on each task a GM takes on individually to master them all: AM = sy gmg, Putting truck away, interviewing, making employee schedule, Counting EOM, training specialist, Pan ups, office Administrative work, Produce orders, equipment orders, Store upkeep.  
GM = All tasks of AM listed above, manager schedule, ledger proofing, GM meetings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 26<sup>th</sup> day of October, 2018

David Maier

Signature

David Maier

Printed Name



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.  
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: .....  
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: Case No. 4:18-cv-54  
:  
: Judge James Gwin  
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: Magistrate Baughman  
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CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.  
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:  
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: Case No. 4:18-cv-434  
:  
: Judge James Gwin  
:  
: Magistrate Baughman  
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**DECLARATION**

I, Sara Ann Morabith declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On November 3, 2018, I met with Heather Adams of the law firm of Ice Miller LLP. Heather Adams advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 41047 in Brunswick, GA. I have held this position from August 2015 to the present.

6. The most important aspect of my job as an Assistant Manager is providing adequate or exceptional services to visitors at our location, while following standards set by Cove Enterprises

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

SM Scheduling employees within the Café  
see question 10 SM Hiring and selecting employees that work within the Café

SM Supervision of employees within the Café

SM Management of food costs

SM Handling customer issues

SM Dealing with administrative documentation and other paperwork required within the Café

SM Training employees

SM Evaluating employees' work

SM Completing performance evaluations for employees

SM Issuing disciplinary action for employees within the Café

SM Assigning daily work activities to employees within the Café

8. I supervise approx. 50 employees.

9. I supervise approx. 15 employees on a typical shift.

10. I ☒ do not interview applicants for store positions. My experience with this Café's interview process is: I ~~will~~ will give a first interview and set up for a second interview with the general manager to do the hiring. I spend about 10-15 minutes with the interviewee and decide whether to bring them back or not.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / No - general manager looks

12. I ☒ do not complete new hire forms. threw applications & sets up interners.

13. I ☒ do not have the authority to veto a candidate from hiring.

14. I ☒ do not conduct employee orientations. Orientation includes (if applicable):

We recently moved to electronic orientations. We will go over policies, standards, expectations, etc. We will show them around the store and welcome them to the team, and put them on the schedule.

15. When there is another manager on duty, are certain employees assigned to report directly to you? ☒ Yes / No

16. I trained approximately 20-25 employees in the last year. Training includes:

associate positions: bakery, register, line, drive through, ~~dine in~~ dining room. For management positions it includes: cleaning, nightly paperwork, food cost, and scheduling, and morning paperwork.

17. I prepare work schedules. ☒ Yes / No

18. I give direction and/or assign tasks to café employees. Yes/ No
19. I do/ do not plan and control food costs.
20. I work 45 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes/ No
22. I close the café 2-3 times per week.
23. I open the café 1-2 times per week.
24. I do/ do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 1 employees in the last two weeks.

26. I have recommended an employee be promoted. Yes/ No

The general manager, other assistant, and shift supervisors will get together and discuss potential candidates and voice if we think he/she would be a good candidate for a promotion.

27. I have recommended an employee to be hired and/or fired. Yes/ No

I have very open communication with the general manager when it comes to the performance of co-workers. We will have a constructive talk about their job performance.

28. I do/ do not have responsibility for café security.
29. I do/ do not have responsibility for cash security.
30. I do/ do not have responsibility for any emergencies when I am not on duty.

31. I have worked with the following assistant managers:

Margaret A. Milovanovic

Jennifer Carroll Miodragovic

Erin E. Leneghan



32. In reference to the names circled in Paragraph 31, I would describe  
Margaret A. Milovanovic's responsibilities as follows:

I worked with Margaret @ the Strongsville location. She was in charge of mainly the weekly inventory or food cost. She did close the cafe a couple times a week. She was very nice but a bit blunt at times. She was also responsible for keeping up with standards, rules, etc...

33. In reference to the names circled in Paragraph 31, I would describe  
Jennifer Carroll Miodragovic responsibilities as follows:

I also worked with Jennifer at the Strongsville location. She was the first assistant, while Margaret was second. Her main responsibilities were scheduling as well as keeping up with regulations, standards, policies, etc... She would also do truck orders when the general manager was unavailable.

34. In reference to the names circled in Paragraph 31, I would describe Erin E.  
Leneghan responsibilities as follows:

I only knew Erin for a very short time at the Brunswick location. It was only a week or so. Beside keeping up with standards and such, I am not sure what else she was responsible for.

35. In reference to the names circled in Paragraph 31, I would describe  
responsibilities as follows:

36. I would also like to provide the following:

I think it's very important to understand the morale of your location. Being in any management position it is important to be positive and remain calm in stressful situations. My help with fellow co-workers. The happier they are the better the job, & the longer they'll stay.

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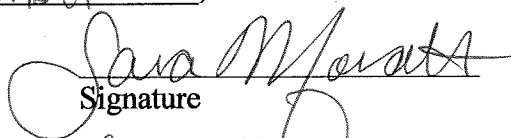
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3 day of November, 2018

  
Signature

Sara Morabith  
Printed Name

CO\5965686.1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION**

I, Julie Steed, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On Oct. 23, 2018, I met with Kristina Dahmann of the law firm of Ice Miller LLP. Kristina Dahmann advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4035 in Wadsworth, Ohio. I have held this position from March 2014 to the present. In Wadsworth, since April 2016

6. The most important aspect of my job as an Assistant Manager is to come in & help keep the store running smoothly. Make sure associates are in proper uniform, nothing is needed right away, especially baking product.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

JS Scheduling employees within the Café

JS Hiring and selecting employees that work within the Café - we do the first interview, 6m does the 2nd.

JS Supervision of employees within the Café

JS Management of food costs

JS Handling customer issues

JS Dealing with administrative documentation and other paperwork required within the Café

JS Training employees

JS Evaluating employees' work

JS Completing performance evaluations for employees

JS Issuing disciplinary action for employees within the Café

JS Assigning daily work activities to employees within the Café

8. I supervise 30 employees.

9. I supervise 6-10 employees on a typical shift.



10. I ☒ do not interview applicants for store positions. My experience with this Café's interview process is: I do make calls to set up interviews. I have done the first interviews numerously. If I think they may be a good fit, I will set them up for a 2nd interview with the GM. From there she decides to hire or not.

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. ☒ Yes/ No

12. I ☒ do not complete new hire forms.

13. I ☒ do not have the authority to veto a candidate from hiring.

14. I ☒ do not conduct employee orientations. Orientation includes (if applicable):

We go over their pay, what position they will learn, go over all of our policies in store including behavior, dress code, expectations. We go over a handbook & they keep that. Next we set them up with a training schedule.

15. When there is another manager on duty, are certain employees assigned to report directly to you? ☒ Yes/ No

16. I trained approximately 10-20 employees in the last year. Training includes:

going over shift routines, verifying dress code, putting them onto computer e-learning videos, overseeing training plan with their associate trainer. I have also trained associates being promoted to shift supervisors. I train shifts on opening/closing the store, counting drawers & the safe along with shift routines.

17. I prepare work schedules. ☒ Yes/ No

18. I give direction and/or assign tasks to café employees. ☒ Yes ☐ No
19. I ☒ do not plan and control food costs.
20. I work 45 hours per week as manager on duty. - we work 5 days a week - 9 hour days
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. ☒ Yes ☐ No
22. I close the café 3-5 times per week.
23. I open the café 1-2 times per week. - occasionally
24. I ☒ do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 10-15 employees in the last two weeks.
26. I have recommended an employee be promoted. ☒ Yes ☐ No

I look for good work ethic among employees, someone to take leadership roles. Jamie will ask all of us managers for opinions on promotions & she looks for us to do recommendations.

27. I have recommended an employee to be hired and/or fired. ☒ Yes ☐ No

I can do the first interview & if I see potential in an employee, I can set them up for a 2nd interview with Jamie. I can do write ups for employees that could eventually lead to their termination.

28. I ☒ do not have responsibility for café security.
29. I ☒ do not have responsibility for cash security.
30. I ☒ do not have responsibility for any emergencies when I am not on duty. - may have to come in to help cover a shift.

31. I have worked with the following assistant managers:

#4647 Brunswick - Kathleen Hermann & Emily  
#3397 Fairlawn - Justine & Tatiana  
#3371 Montrose - Christina Dalosta, Joe B, Sarah, Mary Kay Riccardi, Haaseeb  
#4635 Wadsworth - Stephanie Starre, Julie Magons, Erin Kis, Sarah

3391 Strongsville - Megan Milanovic,

32. In reference to the names circled in Paragraph 31, I would describe Erin responsibilities as follows: Running Shift - we usually took turns running Sundays & Mondays as the MIC (in charge)  
She also did food cost inventory on Tuesday nights.  
We both equally closed at least 2 times a week  
She also disciplined employees

33. In reference to the names circled in Paragraph 31, I would describe Stephame/Sarah responsibilities as follows: Stephame was in charge of Schedules when I first came here so I did Food cost. She also closed at least twice a week & would run Mondays while I did Sundays. When she got transferred, Sarah came to the store - She took over food cost & I did schedules. ~~She~~ also closed.  
Sarah

34. I would also like to provide the following about my responsibilities.  
I typically do the schedules but also help with inventory on both Tuesday nights & for mid/end of month. Julie & I generally share responsibilities between inventory, training & running shifts. 3 of our current shift Supervisors are ones I have recommended & have helped train & growing in the company. Similar things have happened at previous stores I have worked at we typically all help to share the duties.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 23 day of October, 2018

Julie Steed  
Signature

Julie Steed  
Printed Name

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERIN E. KIS,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-54

Judge James Gwin

Magistrate Baughman

\*\*\*

CHELSEA ROMANO,

Plaintiff,

v.

COVELLI ENTERPRISES, INC.,

Defendant.

Case No. 4:18-cv-434

Judge James Gwin

Magistrate Baughman

**DECLARATION OF ASSISTANT MANAGER**

I, Marissa Tufts, declare under penalty of perjury that the following is true and correct:

1. I am over eighteen (18) years old and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. On Oct. 25<sup>th</sup>, 2018, I met with Daniel Colicover of the law firm of Ice Miller LLP. Daniel Colicover advised me that Ice Miller LLP represents my employer and does not represent me.

3. I am making this declaration on a voluntary basis. I have been advised by my employer's lawyer that the making of this declaration is not required as a condition of my

employment. I have not been promised any benefit for making the declaration nor have I been coerced or threatened in any manner regarding making this declaration.

4. I have been advised by my employer's lawyer that this declaration is part of an investigation into a pending lawsuit about employees required to work without proper compensation. I understand that I may be eligible to participate in this lawsuit and may, if such claims are proven, be entitled to monetary compensation. Notwithstanding, I make this declaration on a voluntary basis.

5. I am employed as an Assistant Manager at Café Number 4795 in Columbus, Ohio, \_\_\_\_\_. I have held this position from Late August 2016 to the present.

6. The most important aspect of my job as an Assistant Manager is Managing the needs of staff & guests so that our restaurant may succeed.

7. In my capacity as an assistant manager, my job duties generally include the following (initial all that apply):

NA Scheduling employees within the Café

NA Hiring and selecting employees that work within the Café

NA Supervision of employees within the Café

\_\_\_\_ Management of food costs

NA Handling customer issues

NO Dealing with administrative documentation and other paperwork required within the Café

NA Training employees

NO Evaluating employees' work

NA Completing performance evaluations for employees

NA Issuing disciplinary action for employees within the Café

NA Assigning daily work activities to employees within the Café

8. I supervise 15 employees.

9. I supervise 10 employees on a typical shift.

10. I do / do not interview applicants for store positions. My experience with this Café's interview process is: Calling applicants occasionally, Organizing interview times, Reviewing applications & taking detailed notes during the interview. Hiring & setting up orientations

11. I screen applicants' resumes, select candidates to interview and/ or interview candidate for employment at the café. Yes / No

12. I do / do not complete new hire forms.

13. I do / do not have the authority to veto a candidate from hiring.

14. I do / do not conduct employee orientations. Orientation includes (if applicable):

- Verifying payroll info.
  - Walkthrough of uniform policy, tattoo policy, issuing a hat
  - Verifying identity & assisting w/ completion of mandatory forms.
  - Invitation to planet bread (Welcoming to the company)
  - Creation of availability forms & training schedule
  - Creation of paper file, sending in background checks that apply
  - Assuring employee understands the forms they're filling out & sending them to the main office.
15. When there is another manager on duty, are certain employees assigned to report directly to you? Yes / No

16. I trained approximately 15 employees in the last year. Training includes:

- Informing the associates about the uniform policy, Panera standards & general conduct.
- Hands on training w/ whatever position they are assigned
- Going over checklists & Training routines.
- Tour of the cafe & introductions to staff

17. I prepare work schedules. Yes / No



18. I give direction and/or assign tasks to café employees. Yes / No
19. I do do not plan and control food costs.
20. I work 57 hours per week as manager on duty.
21. When I am the manager on duty, I am responsible for making sure that the Café's policies and procedures are followed. Yes / No
22. I close the café 5 times per week.
23. I open the café 0 times per week.
24. I do / do not have responsibility to discipline employees.
25. I have disciplined either in writing or through verbal coaching 20 employees in the last two weeks.
26. I have recommended an employee be promoted. Yes / No  
Has sat down w/ the GM regarding multiple associates  
being promoted to shift supervisors or associate trainers.
- 
27. I have recommended an employee to be hired and/or fired. Yes / No
- 
- 
- 
28. I do / do not have responsibility for café security.
29. I do / do not have responsibility for cash security.
30. I do / do not have responsibility for any emergencies when I am not on duty.
31. I have worked with the following assistant managers (circle those that apply):

Morris Alejandro Serenatas

Allyson Rose Fenimore

Amanda Kallie Fooce

Elizabeth R. Ensley

32. In reference to the names circled in Paragraph 31, I would describe Amanda Fooce's responsibilities as follows: Wrote the schedule, hiring, managing shifts, Managing Food costs, Closing usually 4/5 shifts a week. Generally all of the same responsibilities as I would have plus a few more. Chance of being called in to run deliveries w/o tips. ~~Conduct~~ Participating in Expense Audits.

33. In reference to the names circled in Paragraph 31, I would describe Elizabeth Ensley responsibilities as follows: Hiring, Training, occasional classes, All general managing tasks (shift running, Disciplinary actions,)

34. In reference to the names circled in Paragraph 31, I would describe \_\_\_\_\_ responsibilities as follows: \_\_\_\_\_

35. In reference to the names circled in Paragraph 31, I would describe \_\_\_\_\_ responsibilities as follows: \_\_\_\_\_

36. I would also like to provide the following about my responsibilities. Regarding scheduling: The schedule can be very time consuming, many managers try to avoid the scheduling duty.  
• Very difficult to properly run shift being the only manager in the store & trying to ~~also~~ write the schedule. I usually try to write it at home however, certain portions must be completed in the store on the BOH office computer. Labor management is also every managers duty, but as the schedule writer more of the responsibility falls on you to schedule/set shifts up according to projected sales. As closing manager 5 days a week I cannot really leave without completing my work/making sure the cafe is at optimal level for the opening crew. 5 If the close is bad the day shift may fail which would impact the following night's shift & even the following day(s). These responsibilities are expected to be completed



Marissa Tufts  10/25/18

#36 Continued. --

within our 45 hours a week however I generally am here at least 55 hours a week not including time spent at home working on schedule. At the highest I have been here 67 hours a week depending on the store's needs.

The end of day paperwork can be stressful. At night ~~is~~ ~~are~~ I am the main person handling the stores money & managing the safe. Often it is only the closing manager who counts the safe routinely. If money is missing it seems there is a heavy responsibility on the closing manager to find it / investigate the issue. We sign off on the deposit so we are generally expected to have an explanation. At this time we are experiencing an issue with associate theft. Myself & the other salaried managers are responsible for paying this money back.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 25<sup>th</sup> day of October, 2018

A handwritten signature in black ink, appearing to read "Marissa Tufts", written over a horizontal line.

Signature

A handwritten printed name "Marissa Tufts" in black ink, written over a horizontal line.

Printed Name

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